

REMARKS

Claims 45-65 are pending in the present application and have been indicated to be allowable. The Office Action has been considered and withdrawal thereof is respectfully requested.

The Office Action correctly notes that the Examiner spoke with undersigned representative on April 18, 2005 to propose claim language for an Examiner's Amendment. The Examiner indicated that a possible 35 U.S.C. § 112, second paragraph rejection was the reason for the proposed amendment. The undersigned told the Examiner that the Applicant would have to be contacted to obtain authorization for the amendment. The Examiner indicated that instead, he would issue an Office Action. As far as Applicant's representative was concerned, this meant that no agreement had been reached and that an Office Action explaining the 35 U.S.C. § 112, second paragraph rejection would be forth coming. Instead, the Patent Office issued an Action under Ex Parte Quayle closing prosecution on the merits, and no explanation for the grounds of the 35 U.S.C. § 112, second paragraph rejection was provided, either during the telephone conference or in the Office Action.

At this point, Applicants do not accept the Examiner's proposed claim language change. First, it is not clear how the Examiner contemplates that it be incorporated into the preamble so that it correctly reflects the structure contemplated by the inventors. To merely add it at the beginning of the preamble does not appear to be correct. Further, Applicants note that claim 54 has a different

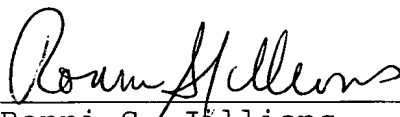
preamble than the other independent claims. It is not clear how the Examiner contemplated that this proposed language be incorporated in claim 54, if at all. Because the applicant was given no notice as to the grounds of the rejection, it is not possible for Applicant to fashion alternative claim amendments or arguments which would both overcome the rejection and be technically accurate.

If the Examiner believes that the claims are not allowable, he should issue a proper rejection, which clearly explains the grounds for the rejection and provides an appropriate response period, so that Applicants have an opportunity to assess the appropriateness of the rejection and respond completely.

If the Examiner has any questions he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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